UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,743	01/16/2004	Andrzej Turski	MS1-3992US	6373

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ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-9,13-23 and 25-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-9, 13-23 and 25-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the after final amendment filed 17 February 2010. Claims

6, 10-12, 24, and 32-38 have been previously canceled. Claims 1-5, 7-9, 13-23 and 25-

31 are pending and have been considered below.

Withdrawal of Finality

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specifically, the rejection of the limitation "discretized states include a packed state that,

when assigned, causes data items in a grouped category to be displayed under a

singular icon when viewed from any folder which contains at least one of the data items

in the grouped category" of claim 1 is confusing and does not clearly and adequately

address the limitation.

Response to Arguments

2.   Applicant's arguments, see Applicant Argument/Remarks, filed 17 February, with

respect to the rejection(s) of claim(s) 1-5, 7-9, 13-23 and 25-31 under 35 USC 102/103

have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made

in view of Sakai (US 20040056903 A1) in view of Amro et al. (US 5,797,139).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1-5, 7-9, 13-23 and 25-31 rejected under 35 U.S.C. 103(a) as being

unpatentable over Sakai (US 2004/0056903 A1) in view of Amro et al. (US 5,797,139).

Claim 1: Sakai discloses a system for data presentation, comprising:

    a. a processing device (paragraph 0034);

    b. a sorting component that is operable by the processing device, the sorting

        component being configured to determine categories relating to one or more data

        items for display on a display device (0266), wherein,

c. the data items are structured within a hierarchical folder structure (paragraphs 0008, 0106); and,

d. a cluster component that is operable by the processing device, the cluster component being configured to facilitate grouping the categories according to discretized states, wherein the discretized states are a property which is assigned to each grouped category via the cluster component, to control visible output to the display device (paragraph 0242, 0248, 0269), and wherein,

e. the discretized states include a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon (paragraph 0242, 0248), and,

f. an unpacked state that, when assigned, causes each data item in the grouped category to be displayed under a singular icon in a tree display and as an individual icon when viewed in a contents display (paragraph 0269, figure 50).

Sakai does not disclose a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon category when viewed from any folder which contains at least one of the data items in the grouped, as disclosed in the claims. However, in the same field of invention, Amro discloses a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon category when viewed from any folder which contains at least one of the data items in the grouped (column 2, lines 1-15). Therefore, considering the teachings of Sakai, it would have been obvious to one having ordinary skill in the art at the time of

the invention to add a packed state that, when assigned, causes data items in a

grouped category to be displayed under a singular icon category when viewed from any

folder which contains at least one of the data items in the grouped, as disclosed in

Amro, to the teachings of Sakai. One would have been motivated to add a packed state

that, when assigned, causes data items in a grouped category to be displayed under a

singular icon category when viewed from any folder which contains at least one of the

data items in the grouped, as disclosed in Amro, to the teachings of Sakai so that when

a user views any folder containing files associated with a parent, the user can readily

recognize files that are associated with a parent simply by viewing an icon (Amro:

column 1, lines 59-63).

Claim 2: Sakai and Amro disclose the system of claim 1, and Sakai further discloses a

user interface for displaying the data items on the display device and a data storage for

storing the data items (figures 42, 50, paragraph 0298).

Claim 3: Sakai and Amro disclose the system of claim 1, and Sakai further discloses the

data items include at least one of a document, a file, a folder, a sub-folder, a

presentation file, an image file, an audio file, a result from a query, an archive, or a

computer readable code file (paragraph 0251).

Claim 4: Sakai and Amro disclose the system of claim 2, and Sakai further discloses the

user interface includes at least one of a tree display or a tree display and a contents

display, wherein the contents display represents items from the tree display (paragraph 0163, figure 5).

Claim 5: Sakai and Amro disclose the system of claim 2, and Sakai further discloses the cluster component controls content merging of subordinate and sibling nodes at the user interface (paragraph 0269, figure 50).

Claim 6: (Previously Canceled)

Claim 7: Sakai and Amro disclose the system of claim 1, and Sakai further discloses the discretized states are persisted on a data storage component (paragraph 0298).

Claim 8: Sakai and Amro disclose the system of claim 7, and Sakai further discloses the discretized states are associated with properties of a group (paragraphs 0244, 0246).

Claim 9: Sakai and Amro disclose the system of claim 8, and Sakai further discloses the properties are associated with metadata relating to an item (paragraphs 0244, 0246).

Claim 10: (Previously Canceled)

Claim 11: (Previously Canceled)

Claim 12: Sakai and Amro disclose the system of claim 1, and Sakai further discloses a

rules component for determining how the data items are to be displayed on the display

device (paragraph 0263).

Claim 13: Sakai and Amro disclose the system of claim 1, and Sakai further discloses a

switch component for selecting between the discretized states (paragraph 0247).

Claim 14: Sakai and Amro disclose the system of claim 13, and Sakai further discloses

an interface component to enable users to assign states to an item or group (paragraph

0242).

Claim 15: Sakai and Amro disclose the system of claim 13, and Sakai further discloses

the switch component is a flag associated with a collection of data items that indicates

whether the collection is packed or unpacked (paragraph 0246).

Claim 16: Sakai and Amro disclose the system of claim 1, and Sakai further discloses

the cluster component is further configured to create an overlapping group that includes

content from various groups (paragraph 0249).

Claim 17: Sakai and Amro disclose the system of claim 16, and Sakai further discloses

the overlapping group includes a recycle group and an archive group (paragraph 0205,

0176, figure 17).

Claim 18: Sakai and Amro disclose the system of claim 16, and Sakai further discloses an interface configured to present a view of at least one group A and at least one group B that shows items in A minus B (paragraph 0269, figure 50, [figure 50 shows the contents of subfolders Personal, SOHO and Business; the contents of, for example, Personal is the contents of Personal minus the contents of, for example, SOHO since there is no overlap between Personal or SOHO]) and a view of subgroup B, which presents data items within an intersection of A and B, as disclosed in the claims (paragraphs 0242, 0249, [items of a group can viewed and can the group can contain items belonging to different applications; therefore, the viewed group will contain the intersection of the group and the group of items belonging to each application.]).

Claim 19: Sakai and Amro disclose the system of claim 18, and Sakai further discloses the interface comprises a viewer that facilitates finding a union of groups A and B (paragraph 0269, figure 50, [the view contains the union of the folders Personal, SOHO and Business]).

Claim 20: Sakai and Amro disclose the system of claim 1, and Sakai further discloses an interface to display at least one of a static group or a dynamic group (paragraph 0174).

Claim 21: Sakai and Amro disclose the system of claim 20, and Sakai further discloses the dynamic group is associated with at least one of an unpacked query or a packed query (paragraph 0174).

Claim 22: Sakai and Amro disclose the system of claim 1, and Amro further discloses a component to predict an initial or default state of a newly created group, wherein the component selects the state automatically, or prompts a user to confirm the automatically selected state (column 2, lines 1-15, [the default state in Amro is equivalent to a packed state]). Therefore, considering the teachings of Sakai and Amro, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a component to predict an initial or default state of a newly created group, wherein the component selects the state automatically, or prompts a user to confirm the automatically selected state, as disclosed in Amro, to the teachings of Sakai and Amro. One would have been motivated to add a component to predict an initial or default state of a newly created group, wherein the component selects the state automatically, or prompts a user to confirm the automatically selected state, as disclosed in Amro, to the teachings of Sakai and Amro so that when a user views any folder containing files associated with a parent, the user can readily recognize files that are associated with a parent simply by viewing an icon (Amro: column 1, lines 59-63).

Claim 23: Sakai and Amro disclose the system of claim 22, and Amro further discloses the predicting component suggests a packed state for a newly created group when a

condition is met, the condition comprising: a name of a group contains recognizable words; contents of the group are of low importance; or a type of the group indicates a compound document rather than a loose collection of items (column 2, lines 1-15, [the group is formed from the name of the application or the type]).

24. (Previously Canceled)

Claim 25: Sakai discloses a system for organizing data at a computerized display, comprising:

    a. one or more processors (paragraph 0034);

    b. means operable by the one or more processors for determining a state for a subset of data items (paragraphs 0242, 0269), wherein

    c. the data items are organized in a hierarchical directory tree structure (paragraphs 0008, 0106);

    d. means operable by the one or more processors for assigning the state as a property to the subset of data items; and means operable by the one or more processors for displaying each item in the subset according to the determined state (paragraphs 0242, 0248, 0269), wherein,

    e. when the state is determined to be in a packed state, the displaying means causes the data items in the subset to be displayed under a singular icon (paragraphs 0242, 0248), and wherein,

f. when the state is determined to be in an unpacked state the displaying means

causes the data items in the subset to be displayed under a singular icon in a

tree display and as respective individual icons when viewed in a contents display

(paragraph 0269, figure 50), and

g. which further causes data items from a subfolder that is determined to be in the

unpacked state, to display as respective individual icons alongside data items of

a parent folder that are determined to be in the unpacked state (paragraph 0269,

figure 50).

Sakai does not disclose a packed state such that the data items in the subset to be

displayed under a singular icon when viewed from any directory location which contains

at least one of the data items in the subset, as disclosed in the claims. However, in the

same field of invention, Amro discloses a packed state such that the data items in the

subset to be displayed under a singular icon when viewed from any directory location

which contains at least one of the data items in the subset (column 2, lines 1-15).

Therefore, considering the teachings of Sakai, it would have been obvious to one

having ordinary skill in the art at the time of the invention to add a packed state such

that the data items in the subset to be displayed under a singular icon when viewed

from any directory location which contains at least one of the data items in the subset,

as disclosed in Amro, to the teachings of Sakai. One would have been motivated to add

a packed state such that the data items in the subset to be displayed under a singular

icon when viewed from any directory location which contains at least one of the data

items in the subset, as disclosed in Amro, to the teachings of Sakai so that when a user

views any folder containing files associated with a parent, the user can readily

recognize files that are associated with a parent simply by viewing an icon (Amro:

column 1, lines 59-63).

Claim 26: Sakai and Amro disclose the system of claim 25, and Sakai further discloses

comprising means for displaying the subset of data items as an overlapping group

(paragraph 0249).

Claim 27: Sakai and Amro disclose the system of claim 26, and Sakai further discloses

means for controlling the state of the subset of data items (paragraph 0242).

28. (Currently Amended) A method for controlling visible output to a display, comprising:

    a. determining a state of a collection of data items, the state being determined from

       states comprising a packed state and an unpacked state (paragraphs 0242,

       0248, 0269), wherein

    b. the collection of data items are organized in a hierarchical structure (paragraphs

       0008, 0106);

    c. grouping the data items according to the determined state (paragraphs 0242,

       0248, 0269);

    d. displaying a group of data items under a singular icon in the display when the

          group of data items is determined to be associated with the packed state

          (paragraphs 0242, 0248, figure 43);

    e. displaying the group of data items under a singular icon in a tree view and as

          individual icons in a contents view, when the group of data items is determined to

          be associated with the unpacked state (paragraphs 0269, figure 50);

    f. switching the group of data items from being associated with the packed state to

          the unpacked state or vice versa (paragraph 0247).

Sakai does not disclose displaying a group of data items under a singular icon in the

display when the group is viewed from any folder within the hierarchical structure that

contains at least one of the data items in the group of data items, when the group of

data items is determined to be associated with the packed state, as disclosed in the

claims. However, in the same field of invention, Amro discloses displaying a group of

data items under a singular icon in the display when the group is viewed from any folder

within the hierarchical structure that contains at least one of the data items in the group

of data items, when the group of data items is determined to be associated with the

packed state (column 2, lines 1-15). Therefore, considering the teachings of Sakai, it

would have been obvious to one having ordinary skill in the art at the time of the

invention to add displaying a group of data items under a singular icon in the display

when the group is viewed from any folder within the hierarchical structure that contains

at least one of the data items in the group of data items, when the group of data items is

determined to be associated with the packed state, as disclosed in Amro, to the

teachings of Sakai. One would have been motivated to add displaying a group of data

items under a singular icon in the display when the group is viewed from any folder

within the hierarchical structure that contains at least one of the data items in the group

of data items, when the group of data items is determined to be associated with the

packed state, as disclosed in Amro, to the teachings of Sakai so that when a user views

any folder containing files associated with a parent, the user can readily recognize files

that are associated with a parent simply by viewing an icon (Amro: column 1, lines 59-

63).

Claims 29-30 disclose a method to be used on the system of claims 8 and 7

respectively and are rejected under that same rational.

Claim 31 discloses a method to be used on the system of claim 26 and is rejected under

that same rational

Claims 32 - 38 (Previously Canceled)

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOHN HEFFINGTON whose telephone number is

(571)270-1696. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARA ENGLAND/
Primary Examiner, Art Unit 2179

JMH
3/9/10